The bill was read third time, and passed.

EXCUSED.

On motion of Senator Lloyd, Senator Swann was excused for non-attendance upon the Senate on yesterday on account of sickness in his family.

On motion of Senator Stafford, Senator Paulus was excused for today and tomorrow on account of important business.

HOUSE BILL NO. 25—ON SECOND AND THIRD READINGS.

On motion of Senator Grinnan, the Senate rule governing committee reports was suspended for the purpose of considering House bill No. 25, reported this day from committee.

On further motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas-21.

Neal. Davidson of DeWitt. Odell. Dibrell. Potter. Grinnan. Savage. Hanger. Sebastian. Harris of Bexar. Stafford. Harris of Hunt. Staples. Turner. James. Lipscomb. Turnev. Lloyd. Wheeler. McGee. Yett.

Absent.

Davidson of Galveston.

Goss. Wayland.

Johnson. Wilson.

Miller.

Absent—Excused.

Beaty. Paulus.

The Chair (Senator Turney) laid before the Senate, on its second reading,

House bill No. 25, A bill to be entitled "An Act to amend Chapter: 169 of the Acts of the Regular Session of the Twenty-sixth Legislature of the State of Texas, amending Article 1544 of the Revised Civil Statutes of Texas, relating to boards of health in unincorporated towns and villages, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

The bill was read second time, and

passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was further suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of Neal. DeWitt. Odell. Dibrell. Potter. Grinnan. Savage. Hanger. Sebastian. Harris of Bexar. Stafford. Harris of Hunt. Staples. James. Turner. Lipscomb. Turney. Lloyd. Wheeler. McGee. Yett.

Absent.

Davidson of Galveston. Swann. Goss. Wayland. Wilson. Miller.

Absent—Excused.

Beaty. Paulus.

The bill was read third time, and passed.

POPULATION OF TEXAS BY CONGRESSIONAL DISTRICTS.

On motion of Senator Harris of Bexar, the following statement of the population of Texas by congressional districts was ordered printed in the Record:

District No. 1	(Texarkana)220,322
District No. 2	(Beaumont) 203,372
District No. 3	$(Tyler) \dots 191,953$
District No. 4	(Grayson)218,963
District No. 5	(Dallas) 200,061
District No. 6	(Navarro)184,862
District No. 7	$(Galveston) \dots 144,431$
District No. 8	$(Houston) \dots 202,736$
District No. 9	(DeWitt) 225,194
District No. 10	(Austin)214,103
District No. 11	$(Waco) \dots 173,477$
District No. 12	(Fort Worth) 177,637
District No. 13	(Panhandle)188,541
District No. 14	(Bexar)181,280
District No. 15	(Brownsville)160,694
District No. 16	(El Paso)161,084

ADJOURNMENT.

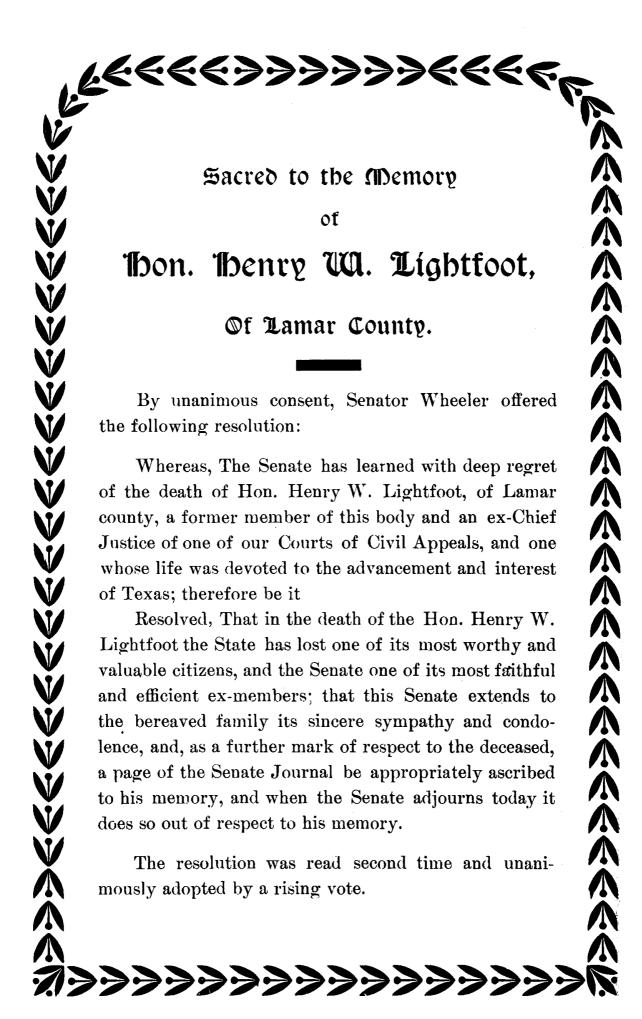
Total.....3,048,710

On motion of Senator Sebastian, the Senate, at 5:50 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

TWENTIETH DAY.

Senate Chamber,
Austin. Tex., Wednesday, Sept. 4, 1901.
The Senate met pursuant to adjournment

Lieutenant-Governor Browning in the chair.



The roll was called, a quorum being present, the following Senators answering to their names:

Nea1. Davidson of

DeWitt. Patterson.

Davidson of Potter.

Galveston. Savage.

Dibrell. Sebastian. Goss. Stafford. Grinnan. Staples. Harris of Bexar. Swann.

Harris of Hunt. James.

Turney. Johnson. Wayland. Wheeler. Lipscomb. Wilson. Lloyd. Miller. Yett.

Absent.

Hanger.

Odell.

Turner.

McGee.

Absent—Excused.

Beaty.

Paulus.

Prayer by the Chaplain, Rev. I. S.

Davenport.

Pending the reading of the Journal of yesterday (nineteenth day), the same, on motion of Senator Neal, was dispensed with.

EXCUSED.

On motion of Senator Staples, Senator Goss was excused for non-attendance upon the Senate on last Monday and Tuesday on account of important business.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

MAJORITY REPORT.

Committee Room, Austin, Texas, September 4, 1901. Hon. J. N. Browning, President of the Senate.

YourCommittee on Public Buildings and Grounds, to whom was referred

House bill No. 33, being a bill to be entitled "An Act to authorize the sale of the northeast quarter of Block No. 124, in the city of Austin, Travis county, Texas, to the Grand Lodge of Texas,'

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

JAMES, Chairman. MINORITY REPORT.

Committee Room, Austin, Texas, September 4, 1901. Hon. J. N. Browning, President of the Senate.

STR:

on Public Buildings and Grounds, to whom was referred

House bill No. 33, being a bill to be entitled "An Act to authorize the sale of the northeast quarter of Block No. 124, in the city of Austin, Travis county, Texas, to the Grand Lodge of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

MILLER.

BILLS AND RESOLUTIONS.

Senator Harris of Bexar offered the following resolution:

Resolved by the Senate of Texas, That the sum of one hundred dollars be and the same is hereby appropriated out of the contingent fund to reimburse Messrs. Fount Ray and Mark Goodwin for the extra work performed by them as experts to the Committee on Apportionment during the First Special Session of the Twenty-seventh Legislature.

The resolution was read second time,

Senator Savage offered the following amendment:

"Amend by adding: 'Provided, said experts shall itemize and present an account covering their work during the present Called Session."

The amendment was read and was accepted by Senator Harris of Bexar.

Senator Turney offered the following substitute for the resolution and amendment:

Whereas, At the Regular Session of Twenty-seventh Legislature the Committee on Apportionment, by resolution duly adopted, empowered the chairman of the committee to employ such clerical assistance as he deemed necessary, after the adjournment of the Regular Session and prior to the convening of the Special Session; and,

Whereas, The chairman was fortunate in securing the services of Fount Ray, Esq., and Mark Goodwin, Esq., as experts in the preparation of special data and statistics relative to the redistricting of the State of Texas into congressional, senatorial, representative and judicial districts; and,

Whereas, Said experts performed their services in a manner entirely satisfactory to said Committee on Apportionment, and the results of their labors have been indispensable to said committee; and,

Whereas, During the Special Session of the Twenty-seventh Legislature, convening August 6, 1901, said experts have in addition to their regular duties as A minority of your Committee | Calendar Clerk and Journal Clerk, re-

spectively, served as experts to the committee during its meetings, and have worked day and night in attendance upon their meetings and the meetings of the various sub-committees; and,

Whereas, Mrs. Hope Harrison Hawkins has displayed an extraordinary degree of proficiency in discharging her

gree of pronciency in discharging her duties as stenographer and clerk of said committee; therefore, be it

Resolved by the Senate of the State of Texas, That Mrs. Hope Harrison Hawkins, Fount Ray, Esq., and Mark Goodwin, Esq., be extended a vote of thanks by the Senate for their efficient work and for their unfailing courtesy to work and for their unfailing courtesy to the members of the Legislature in supplying them with statistics, maps, etc., and that this resolution be spread upon the Journal of the Senate.

Signed

WILSON, TURNEY,

HARRIS of Hunt.]

FIRST HOUSE MESSAGE.

The following first House message was here delivered to the Senate:

Hall of the House of Representatives. Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate.

I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House bill No. 23, asks for the appointment of a Free Conference Committee, and appoints Messrs. Terrell of Cherokee, Schluter, Napier, Mugg and Blalock on the part of the House.

And has passed the following bills, towit:

House bill No. 36, A bill to be entitled "An Act to amend Chapter 113 of the General Laws passed at the Regular Session of the Twenty-seventh Legislature, by adding thereto a provision allowing certain towns or villages to incorporate for free school purposes only.'

Also that the House has concurred in Senate amendments to House bill No. 32.

House bill No. 24, A bill to be entitled "An Act to amend Title CIV, Chapter 1, of the Revised Civil Statutes of 1895, by adding thereto Article 5049a, relating to the taxation of the production, refining and sale of oil."

Senate bill No. 24, A bill to be entitled "An Act to provide for the maintenance, care and education of children who are

deaf, dumb and blind."

House bill No. 34, A bill to be entitled "An Act to amend Article 2851 of the Revised Civil Statutes of the State of Texas, relating to the bond of State Treasurer, so as to require such bond to be for a larger amount."

House bill No. 17, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to classify certain school and asylum lands as mineral, and to provide for the disposition of the same."

Respectfully, LEE J. ROUNTREE, Chief Clerk House of Representatives.

IN THE SENATE.

The President had read and referred the following House bills:

House bill No. 36 (see first House message above for caption) referred to Committee on Education.

HOUSE BILLS NOS. 4, 28 AND 39-SIGNED.

The President gave notice of signing; and did sign, in the presence of the Senate, after their caption had been read,

Free Conference Committee Substitute for Substitute House bill No. 4, "An Act to apportion the State of Texas into representative districts, and to fix the number of representatives thereof, and to repeal all laws in conflict herewith.

House bill No. 28 (road law for Cass

county, Texas).

House bill No. 39, "An Act to amend Title XI, Chapter 6, Articles 402 and 406, of the Penal Code of the State of Texas of 1895, relating to the sale of intoxicating liquors, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

SECRETARY J. P. POOL—RESIGNA-TION OF.

Senator Davidson of DeWitt presented the following telegram conveying the resignation of Secretary J. P. Pool:

Victoria, Texas, September 4, 1901. To Hon. A. B. Davidson, care Senate, Austin, Texas.

Am compelled to resign; have mailed resignation today.

J. P. Pool, Secretary of the Senate.

IN THE SENATE.

The President had read, and referred the following House bills:

House bill No. 24 (see first House message for caption) referred to Committee on Finance.

House bill No. 34 (see first House message for caption) referred to Judiciary Committee No. 1.

House bill No. 17 (see first House message for caption) referred to Committee on Mining and Irrigation.

HOUSE BILL NO. 23 (FISH BILL)-FREE CONFERENCE COMMIT-TEE GRANTED AND NAMED.

Senator Sebastian called up the House message asking for a Free Conference Committee on

House bill No. 23, A bill to be entitled "An Act to amend Chapter 18 of the General Laws of the State of Texas, en-acted at the Regular Session of the Twenty-seventh Legislature, approved March 7, 1901, relative to the fish law, and to exempt certain counties from the provisions of said act, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency,"

And moved that the House's request

be granted.

The motion prevailed and the President named the following committee:

Senators Sebastian, Lloyd, Grinnan, McGee and Stafford on part of the Senate.

(Senator Stafford in the chair.)

EXTRA COMPENSATION RESOLU-TION—PENDING BUSINESS.

The Senate here resumed consideration of the resolution offered by Senator Harris of Bexar, being pending business, the question being on the substitute by Senator Turney and others for the resolution and pending amendment.

The substitute was read, and adopted. The resolution as substituted was

read, and adopted.

CURTAILMENT OF CLERICAL FORCE—RESOLUTION REGARDING.

Senators Turney and Potter offered

the following resolution:

Whereas, It is apparent that another extra session of the Legislature will be called upon the adournment of this one; and,

Whereas, There can be but a very limited amount of business before such ex-

tra session; and,

Whereas, The Senate has a number of clerks and employes at the expense of the State who may not be needed during the next extra session and it is but just to them that they should know at this time how many and which of such clerks and employes will be retained by the Senate; therefore, be it

Resolved, That the President of the Senate appoint a committee of three who, together with the President, shall select a list of such clerks and employes to be retained, and that the President notify such employes of the list and names of those so retained; said committee to be composed of others than those signing this resolution.

10-Senate.

The resolution was read, and Senator Wilson moved to table the same.

The motion to table was lost by the following vote:

Yeas--9.

Goss. Odell. Harris of Bexar. Swann. Johnson. Turner. Wilson. Llovd. McGee.

Nays--15.

Savage. Davidson of DeWitt. Sebastian. Dibrell. Stafford. Grinnan. Staples. Harris of Hunt. Turney. Wayland. James. Patterson. Wheeler. Potter. Yett.

Absent.

Lipscomb. Davidson of Miller. Galveston. Neal. Hanger.

Absent—Excused.

Beaty.

Paulus.

Senator Davidson of DeWitt offered the following amendment:

"Amend by striking out the words others than in the resolution."

The amendment was read, and Senator Savage offered the following substitute for the resolution and amendment:

Resolved, That all the officers and clerks of the Senate shall be discharged at the end of this session and in case of a second called session a new election shall take place under a resolution adopted by the Senate.

The substitute was read, and

Senator Potter made the point of order that that part of the substitute referring to officers was out of order as the officers of the Senate were a part of the Senate so long as it exists, and that proceeding other than by resolution was necessary to discharge the officers.

Senator Savage then asked leave to change the substitute, and there being no objection, the same was permitted, by striking the word "officers" from the sub-

stitute. (Lieutenant-Governor Browning in the

chair.) The substitute by Senator Savage was then lost by the following vote:

Yeas-10.

Davidson of Johnson. Galveston. Odell. Savage. Dibrell. Sebastian. Goss. Grinnan. Turner. Harris of Hunt.

Nays—15.

Davidson of Neal.

DeWitt. Potter.

Harris of Bexar. Stafford. Swann. Lipscomb. Turney. Lloyd. Wheeler. McGee. Wilson.

Miller. Yett.
Present—Not voting.

Patterson. Wayland.

Absent.

Hanger. Staples.

Absent—Excused.

Beaty. Paulus.

Senator Davidson of DeWitt moved that the vote by which the substitute was lost be reconsidered.

Senator Miller moved to table the motion to reconsider.

The motion to table the motion to reconsider was lost by the following vote:

Yeas—11.

Goss.

Harris of Bexar.

James.

Johnson.

Lipscomb.

Miller.

Neal.

Stafford.

Swann.

Wilson.

Lloyd.

Nays—13.

Davidson of Savage.

DeWitt. Sebastian.

Davidson of Turner.
Galveston. Turney.

Grinnan. Wayland. Harris of Hunt. Wheeler. Yett.

Potter.

Absent.

Dibrell. Patterson. Hanger. Staples.

Odell.

Absent—Excused.

Beaty.

Paulus.

The motion of Senator Davidson of De-Witt to reconsider the vote by which the substitute was lost prevailed.

The President again laid the substitute before the Senate, and

Senator Savage offered the following amendment:

"Amend by adding 'employes' after the word 'clerks.'"

The amendment was read, and

Senator Turner moved that the resolution, pending substitute and amendment thereto be tabled.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

The following second House message was here delivered to the Senate:

Hall of the House of Representatives. Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has

passed the following bill:
Senate bill No. 20, A bill to be entitled "An Act to name the several counties composing the Fifty-first Judicial District, and to fix the time for holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith."

Respectfully,
LEE J. ROUNTREE,
Chief Clerk House of Representatives.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room, Austin, Texas, September 4, 1901.

Hon. J. N. Browning. President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 34, being a bill to be entitled "An Act to amend Article 2851 of the Revised Civil Statutes of the State of Texas, relating to the bond of the State Treasurer, so as to require such bond to be for a larger amount,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Education, to whom was referred

House bill No. 36, being a bill to be entitled "An Act to amend Chapter 113 of the General Laws passed at the Regular Session of the Twenty-seventh Legislature, by adding thereto a provision allowing certain towns or villages to incorporate for free school purposes only,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the same be not printed.

HARRIS of Hunt, Acting Chairman.

HON. DAVID B. CULBERSON, DE-CEASED—RESOLUTION AC-CEPTING PORTRAIT OF.

Senator James offered the following resolution:

Whereas, United States Senator Chas. A. Culberson has presented to the State of Texas an oil painting of his father, the Honorable David B. Culberson, painted by R. I. Onderdonk, of San Antonio, Texas; and,

Whereas, The said David B. Culberson was at one time a distinguished member of the Senate of Texas; and,

Whereas, He was recognized by the people of the United States, during his long term of service as a member of Congress from Texas, as one of the most eminent jurists and statesmen known to

American history; therefore, be it Resolved by the Senate of Texas, That said oil painting be hung upon the walls of the Senate Chamber as a partial token of his eminent and patriotic service as a lawyer and statesman and as one whose services in the Legislature of Texas during her formative period as a commonwealth of the American Republic were eminent, just, wise and conservative.

The resolution was read second time, and

On motion of Senator Davidson of De-Witt was adopted by a rising vote.

Senator Potter moved that the Senator from Hopkins (Mr. James) be requested to prepare for the Record his remarks in support of the foregoing reso-

The motion prevailed.

(Remarks of Senator James will be found as appendix to today's Record.)

SENATE BILL NO. 24—SIGNED.

The President gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

Senate bill No. 24, "An Act to provide for the maintenance, care and education of children who are deaf, dumb and blind."

The President here declared the morning call concluded.

HOUSE BILL NO. 36—ON SECOND AND THIRD READINGS.

On motion of Senator Wilson, the Senate rule governing committee reports was suspended for the purpose of considering House bill No. 36, reported this day from committee.

On motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—20.

Davidson of Grinnan. DeWitt. Harris of Hunt. Goss. James.

Johnson. Staples. Lloyd. Swann. McGee. Turner. Turney. Miller. Odell. Wayland. Potter. Wilson. Sebastian. Yett. Stafford.

Nays—1.

Patterson.

Present-Not voting.

Wheeler.

Absent.

Davidson of Harris of Bexar. Galveston. Lipscomb.

Dibrell. Neal. Hanger. Savage.

Absent—Excused.

Beaty. Paulus.

The President laid before the Senate,

on its second reading,
House bill No. 36, A bill to be entitled
"An Act to amend Chapter 113, of the General Laws passed at the Regular Session of the Twenty-seventh Legislature, by adding thereto a provision allowing certain towns or villages to incorporate for free school purposes only.'

The bill was read second time, and passed to a third reading.

On motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days was further suspended and the bill put on its third reading and final passage by the following vote:

Yeas-20.

Goss. Sebastian. Grinnan. Stafford. Harris of Hunt. Staples. James. Swann. Johnson. Turner. Lloyd. Turney. McGee. Wayland. Miller. Wheeler. Odell. Wilson. Potter. Yett.

Nays—1.

Patterson.

Absent.

Davidson of Hanger. DeWitt.

Harris of Bexar. Davidson of Lipscomb.

Galveston. Neal. Dibrell. Savage.

Absent—Excused.

Beaty. Paulus.

The bill was read third time, and

Senator Wilson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 34-ON SECOND READING.

On motion of Senator Stafford, the Senate rule governing committee reports was suspended for the purpose of considering House bill No. 34, reported this day from committee.

On motion of Senator Stationd, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading

by the following vote:

Yeas—21.

Potter. Dibrell. Savage. Grinnan. Harris of Hunt. Stafford. Staples. James. Swann. Johnson. Turner. Lloyd. Wayland. McGee. Wheeler. Miller. Wilson. Neal. Yett. Odell. Patterson.

Nays—1.

Goss.

Present—Not voting.

Sebastian.

Absent.

Davidson of Hanger.

DeWitt. Harris of Bexar.

Davidson of Lipscomb.

Galveston. Turney.

Absent-Excused.

Beatv.

Paulus.

The President laid before the Senate,

on its second reading,

House bill No. 34, A bill to be entitled "An Act to amend Article 2851 of the Revised Civil Statutes of the State of Texas, relating to the bond of the State Treasurer, so as to require such bond to be for a larger amount."

The bill was read second time, and Senator Dibrell moved that further consideration of the bill be postponed until 4 o'clock p. m.

The motion prevailed.

HOUSE BILL NO. 33--ON SECOND AND THIRD READINGS.

On motion of Senator Yett, the Senate rule governing committee reports was suspended for the purpose of considering House bill No. 33, reported this day from

The President laid before the Senate, on its second reading, and with majority favorable and minority unfavorable committee reports.

House bill No. 33, A bill to be entitled "An Act to authorize the sale of the Davidson of northeast quarter of Block No. 124, in !

the city of Austin, Travis county, Texas, to the Grand Lodge of Texas.'

The bill was read second time, and

Senator Miller moved that the minority unfavorable committee report be substituted for the majority favorable committee report, and

Senator Patterson moved to lay the

motion on the table.

The motion to table prevailed by the following vote:

Yeas—17.

Dibrell. Patterson. Sebastian. Goss. Grinnan. Stafford. Harris of Hunt. Staples. Swann. James. Johnson. Wayland. Wheeler. Lloyd. Neal. Yett.

Odell.

Nays—4.

McGee. Fotter. Miller. Savage.

Absent.

Harris of Bexar. Davidson of DeWitt. Lipscomb.

Davidson of Turner.

Galveston. Turney. Wilson. Hanger.

Absent-Excused.

Paulus. Beaty.

The bill was then passed to a third

reading. Senator Yett moved that the Senate reconsider the vote by which the bill was

passed to a third reading. The motion to reconsider prevailed,

The President again laid the bill before the Senate, pending on second read-

Senator Yett offered the following

amendment:

"Amend by adding Section 4 as fol-

"'Section 4. The near approach of the end of the present session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is so suspended."

The amendment was read, and adopted.

The bill was passed to a third read-

On motion of Senator Yett, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of DeWitt. Galveston. Dibrell. Patterson. Savage. Goss. Grinnan. Sebastian. Harris of Hunt. Stafford. Swann. James. Wayland. Johnson. Lipscomb. Wheeler. Lloyd. Wilson. McGee. Yett.

Odell.

Nays-1.

Miller.

Absent,

Hanger. Staples. Harris of Bexar. Turner. Neal. Turney. Potter.

Absent—Excused.

Beaty.

Paulus.

The bill was read third time, and

Senator Yett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ELECTION OF PRESIDENT PROTEMPORE.

Senator Miller moved that the Senate proceed to the election of a President Pro Tempore as is provided for in the Constitution at the end of each session of the Legislature.

Senator Dibrell raised the point of order that the authority did not exist for electing a President Pro Tempore at a called session.

RECESS.

Pending further consideration of the motion of Senator Miller, the Senate, on motion of Senator Goss, recessed until 3 o'clock p. m. for the purpose of investigating the Constitution.

AFTER RECESS.

Senator Staples moved that the Senate recess for twenty-five minutes.

The motion prevailed.

AFTER RECESS.

HOUSE BILL NO. 23 (FISH BILL)—FREE CONFERENCE COMMITTEE REPORT—ADOPTED.

MAJORITY REPORT.

Committee Room, Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.

Sirs: We, a majority of the Free ident ruled the point of order made by

Conference Committee appointed to adjust the differences between the House and Senate on House bill No. 23, being the fish bill, beg leave to recommend that the House concur in the Senate amendments for the following reasons:

1. Because the members who represent eighty odd counties on the floor of the House are vitally interested in the passage of this bill, and this is the only legislation upon this subject that can be

had at this session; and,

2. Because the only objection to the passage of the bill is on the one proposition as to whether or not Harrison county shall be exempted from the provisions of the bill, and the local representative of Harrison county and the Senator from that county both agree that the Senate amendment affecting Harrison county should be concurred in by the House.

SEBASTIAN, GRINNAN, STAFFORD, McGEE,

Committee on part of the Senate.

TERRELL of Cherokee,
NAPIER

NAPIER, MUGG, BLALOCK,

Committee on part of the House.

MINORITY REPORT.

"I dissent from the above report, and respectfully submit that this report should not be adopted.

"SCHLUTER,
"Of committee on part of the House."

Action recogning on the majority re-

Action recurring on the majority report, the same was adopted.

Senator McGee moved to reconsider

Senator McGee moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 20—SIGNED.

The President gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

Senate bill No. 20, "An Act to name the several counties composing the Fiftyfirst Judicial District, and to fix the time of holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith."

ELECTION OF PRESIDENT PRO TEM-PORE—PENDING BUSINESS.

The Senate here resumed consideration of the pending business—the election of a President Pro Tempore—and the President ruled the point of order made by

Senator Dibrell (see before recess) out of order.

Action recurring on the motion of Senator Miller that the Senate proceed to the election of a President Pro Tempore, the same prevailed, and

Senator Miller placed in nomination President Pro Tempore Senator

Odell, of Johnson county.

There being no other nominations, the ballot was taken, resulting as follows: Senator Odell, 23 votes.

Senator Lloyd, 1 vote.

Total, 24 votes.

The President appointed Senators Miller and Stafford to conduct the newly elected officer to the President's desk, which being done, Senator Odell briefly addressed the Senate in returning his thanks for the honor conferred.

HOUSE BILL NO. 34—SPECIAL OR-DER.

The President laid before the Senate the special order,

House bill No. 34 (see caption above). The question recurring on the passage of the bill to a third reading,

Senator Miller moved that further consideration of the bill be indefinitely postponed.

(Senator Potter in the chair.) The motion prevailed.

RENT FOR TYPEWRITERS—RESO-LUTION REGARDING.

By unanimous consent, Senator Johnson offered the following resolution:

Be it resolved by the Senate, That the sum of five dollars per month be allowed for the rent of typewriters used by the clerks of the Senate, same to be paid out of the contingent expense account.

The resolution was read second time, and adopted.

THANKS TO PRESIDENT PRO TEM. NEAL—RESOLUTION RE-TURNING.

By unanimous consent, Senators Stafford and McGee offered the following resolution:

Resolved, That the thanks of the Senate be tendered to the Hon. Geo. D. Neal, Senator from the Fifteenth District, who so ably, courteously and impartially presided over the deliberations of this body during the present special session.

The resolution was read second time, and adopted unanimously.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room, Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 20, being "An Act to name the several counties composing the Fifty-first Judicial District, and to fix the time of holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly enrolled, and have this day, at 4:20 o'clock p. m., presented the same to the Governor for his approval.

WHEELER, Acting Chairman.

Committee Room, Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 24, being "An Act to provide for the maintenance, care and education of children who are deaf, dumb and blind,"

And find the same correctly enrolled, and have this day, at 4:20 o'clock p. m., presented the same to the Governor for his approval.

WHEELER, Acting Chairman.

By unanimous consent, the following committee reports were made to the Senate:

MAJORITY REPORT.

Committee Room, Austin, Texas, September 4, 1901. Hon. J. N. Browning, President of the Scnate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 24, being a bill to be entitled "An Act to amend Title CIV, Chapter 1, of the Revised Civil Statutes of 1895, by adding thereto Article 5049a, relating to the taxation of the production, refining and sales of oil,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

DIBRELL, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, September 4, 1901. Hon. J. N. Browning, President of the Senate.

SIR: We, a minority of your Com-

mittee on Finance, to whom was refer-

House bill No. 24, proposing to tax

the gross receipts of oil,

Being unable to agree with a majority of said committee, beg leave to file this minority report and recommend that said bill do not pass.

We believe that this proposed tax violates the fundamental principles of taxation in this State, in that it is not uniform in its operation, and is a species of double taxation. Article 5088 of the Revised Civil Statutes of Texas, Sections 3 and 4, amply provide a mode of valuation and taxation of all real property in Texas. Sections 3 and 4 are as follows:

"In valuing any real property on which there is a coal or other mineral, or stone or other quarry, or springs possessing medicinal properties, the same shall be valued at such a price as such property, including a mine or quarry or spring would probably sell at a fair voluntary sale for cash.'

"Taxable leasehold es-4. tates shall be valued at such a price as they would bring at a fair voluntary sale for cash."

It appears to us that if the law is executed and enforced as it now exists, the State is amply protected, and will receive all just revenues due from the great oil output of Texas. There is no necessity for the measure in so far as raising revenue is concerned, and great injustice to a great industry will certainly arise if this bill becomes a law.

We cannot without a protest see this legitimate industry crippled in its in-The progress and development of our State requires cheap fuel, and this unjust and ununiform tax will tend to hinder that progress so much desired.

In addition to this the law is ample in its scope as it now exists to render the oil product.

DIBRELL, McGEE.

Committee Room, Austin, Texas, September 4, 1901. Hon. J. N. Browning, President of the

SIR: Your Committee on Mining and Irrigation, to whom was referred

House bill No. 17, being a bill to be entitled "An Act to authorize the Commissioner of the General Land Office to classify certain school and asylum lands as mineral, and to provide for the disposition of the same,

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do not pass. GRINNAN, Chairman.

THIRD HOUSE MESSAGE.

The following third House message was here delivered to the Senate:

Hall of the House of Representatives. Austin, Texas, September 4, 1901.

Hon. J. N. Browning, President of the Senate.

I am directed by the House to inform the Senate that the House has concurred in Senate amendment to House bill No. 33.

The House has also adopted the Free Conference Committee report on House bill No. 23.

Respectfully, LEE J. ROUNTREE, Chief Clerk House of Representatives.

(Lieutenant-Governor Browning in the chair.)

HOUSE AND FREE CONFERENCE COMMITTEE BILLS—SIGNED.

The President gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 36, "An Act to amend Chapter 113 of the General Laws passed at the Regular Session of the Twentyseventh Legislature, by adding thereto a provision allowing certain towns or villages to incorporate for free school purposes only."

House bill No. 25, "An Act to amend Chapter 169 of the Acts of the Regular Session of the Twenty-sixth Legislature of the State of Texas, amending Article 1544, of the Revised Civil Statutes of Texas, relating to boards of health in unincorporated towns and villages, and to repeal all laws and parts of laws in conflict therewith, and to declare an emergency.

House bill No. 32, "An Act to amend an act entitled 'An Act to incorporate the city of Austin, to grant it a new charter, and to fix its boundaries,' passed at the Regular Session of the Twentyseventh Legislature, and to repeal all laws in conflict therewith."

House bill No. 33, "An Act to authorize the sale of the northeast quarter of Block No. 124, in the city of Austin, Travis county, Texas, to the Grand Lodge of Texas."

House bill No. 35, "An Act to amend Section 3, Chapter 75, Laws of the Regular Session of the Twenty-seventh Legislature, being the Grayson county road

House bill No. 37, "An Act to vali-

date the incorporation of the town of Moody, McLennan county, Texas."

Substitute House bill No. 7, "An Act to amend Articles 16 and 17, Title IV, Revised Statutes of Texas of 1895, and to apportion the State of Texas into senatorial districts, and to provide for receiving and canvassing the election returns and invariant certificators of also turns and issuing certificates of election."

Free Conference Committee Substitute for Substitute House bill Nos. 3, 5 and 6, "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith."

HOUSE BILL NO. 24—SENATE RE-FUSED TO TAKE UP.

Senator Staples moved that the Senate rule governing committee reports be suspended for the purpose of considering

House bill No. 24, A bill to be entitled "An Act to amend Title CIV, Chapter 1, of the Revised Civil Statutes of 1895, by adding thereto Article 5049a, relating to the taxation of the production, refining and sales of oil,"

Reported this day from committee. The motion prevailed by the following vote:

Yeas-14.

Davidson of Potter. DeWitt. Savage. Goss. Sebastian. Staples. Grinnan. Wayland. James. Johnson. Wheeler. Lloyd. Yett. Odell.

Nays—6.

Davidson of McGee. Neal. Galveston. Turner. Dibrell. Lipscomb.

Absent.

Swann. Hanger. Harris of Bexar. Turney. Harris of Hunt. Wilson. Patterson.

Absent-Excused.

Beaty.

Paulus.

PAIRED.

Senator Stafford, present, voting yea, with Senator Miller, absent, voting nay.

Senator Staples moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be placed on its second reading.

The motion was lost by the following vote (requiring four-fifths of those present):

Yeas-14.

Davidson of Potter. DeWitt. Savage. Sebastian. Goss. Grinnan. Staples. James. Wayland. Johnson. Wheeler. Lloyd. Yett. Odell.

Nays—6.

Davidson of McGee. Galveston. Neal. Dibrell. Turner.

Lipscomb.

Absent.

Swann. Hanger. Harris of Bexar. Turney. Harris of Hunt. Wilson. Patterson.

Absent-Excused.

Beaty.

Paulus.

PAIRED.

Senator Stafford, present, voting yea, with Senator Miller, absent, voting nay.

RECESS.

On motion of Senator James, the Senate recessed until 8:30 o'clock p. m.

AFTER RECESS.

NOTIFICATION COMMITTEE NAMED.

Senator Savage moved that the President appoint two committees, consisting of three members each, one to notify the Governor and the other the House of Representatives, that the Senate had completed its labors and was ready to

The motion prevailed, and the Presi-

dent named the following:

To notify the Governor-Senators Se-

bastian, Wheeler and McGee.

To notify the House of Representatives—Senators Savage, Lloyd and Davidson of Galveston.

NOTIFICATION COMMITTEES' REPORT.

Senator Sebastian, chairman of the committee to notify the Governor that the Senate had completed its labors, accompanied by the committee, appeared at the bar of the Senate and reported that they had discharged their duty, and that the Governor had no further communication to send in.

The report was received and the committee discharged. Senator Savage, chairman of the committee to notify the House that the Senate had completed its labors, accompanied by the committee, appeared at the bar of the Senate and reported that they had discharged their duty. The report was received, and the committee discharged. HOUSE BILL NO. 23 (FISH BILL)—SIGNED. The President gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read: House bill No. 23, "An Act to amend Chapter 18 of the General Laws of the State of Texas, enacted at the Regular Session of the Twenty-seventh Legislature, approved March 7, 1901, relative to the fish law, and to exempt certain counties from the provisions of said act, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency." PRESENTATION TO RETIRING PRESIDENT PRO TEMPORE.
Senator Savage, chairman of the committee to notify the House that the Senate had completed its labors, accompanied by the committee, appeared at the bar of the Senate and reported that they had discharged their duty. The report was received, and the committee discharged. HOUSE BILL NO. 23 (FISH BILL)—SIGNED. The President gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read: House bill No. 23, "An Act to amend Chapter 18 of the General Laws of the State of Texas, enacted at the Regular Session of the Twenty-seventh Legislature, approved March 7, 1901, relative to the fish law, and to exempt certain counties from the provisions of said act, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency." PRESENTATION TO RETIRING
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Senator Davidson of Galveston secured recognition from the presiding offi-
cer, and yielded the floor to Mr. Levi
Lloyd, Jr., committee clerk in the Senate, who presented a cane to Senator
Neal, retiring President Pro Tempore, on behalf of the officers and employes of the
Senate.
Senator Neal responded briefly, thanking the officers and employes for the gift.
HOUSE NOTIFICATION COMMITTEE. Ex
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C M Millon converging the		
C. M. Miller, canvassing the	7	95
backs of 53 maps	•	90
Capital City Book Co., supplies	103	വാ
for SenateVon Boeckmann, Schutze & Co.,	103	04
nvinting Tournals Senate		
printing Journals, Senate	210	91
bills, etc Eugene Von Boeckmann Pub.	210	οr
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Co., for supplies, stationery,	129	20
etc	123	40
extra elevator man	18	ΛΛ
	12	
The Daily Tribune, papers Galveston-Dallas News, papers.	30	
	33	
Express Publishing Co., papers. Statesman Publishing Co., pa-	99	UU
nove	12	22
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Rent of three typewriters, one	00	v
month	15	ഹ
Cao P Assman repairs to	10	v
Geo. P. Assman, repairs to desks, locks, etc	4	75
Lone Star Ice Co., ice	15	
Patterson & Ehlert, carriage to	10	10
Confederate Home	2	00
C. A. Dahlich, supplies for	_	00
President's room	11	30
Austin Electric Supply Co., pur-		••
chase of one electric fan		
broken	17	50
Austin Electric Supply Co., rent		00
on fans and wiring for same.	25	00
Total	866	01
The following accounts were	aiso a	ap-
proved since the Regular Session	on, sa	me log
to be charged to expense of Regu	llai c	es-
sion:		
Von Boeckmann, Schutze & Co., printing Senate Journals		
printing Senate Journals	51228	45
Express on Senate Journals	44	21
Wrappers, labels, etc., for Sen-		00
ate Journals	4	00
	1.0	00
printing	10	82
Fount Ray, for services as spe-		
cial clerk of Apportionment	£40	ΔΔ
Committee, 108 days at \$5.00.	540	vv
Fount Ray, for incidental ex-		
penses of Apportionment	99	25
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45 00	170	ሰበ
\$5.00	110	vv
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Respectfully submitted,	,	
SAVAGE, Chai	irman	
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SINE DIE ADJOURNMEN		

SINE DIE ADJOURNMENT.

The business of both houses having been completed, Senator Savage moved that the Senate stand adjourned.

The motion prevailed, and the President, Lieutenant-Governor J. N. Browning declared the Senate adjourned without day.

APPENDIX.

REMARKS OF SENATOR JAMES.

In moving the adoption of his resolution to receive the portrait of Hon. David B. Culberson, deceased, Senator James spoke as follows:

Mr. President and Gentlemen of the Senate:

This oil painting has been in the custody of the Commissioner of Insurance, Statistics and History for several months and at the request of the Commissioner I have presented this resolution.

David Browning Culberson—and, by the way, I am informed he is a blood relative of Lieutenant-Governor Browning —in my opinion was one of the great men of America. I think, sirs, that he had few equals and few superiors, indeed. He was one of the mental giants of this Union.

Born in Troupe county, Georgia, where was born Ben. Hill, the great Georgia Senator, he went to Alabama in his childhood, and after he had married he moved to Texas with his family and located in Upshur county. In 1859 he was élected to the House of Representatives of the State Legislature. He was one of the five men who were elected to that Legislature who believed that the Union ought to be preserved, but when Texas seceded he cast his lot with the South and was chosen colonel of the Eighteenth Texas Infantry during the Civil War. His health failing, he was appointed Adjutant General of Texas by Governor Murrah. After this he was again a member of the House, and in 1873 was chosen a member of the Senate of Texas for the Fourteenth Legislature and resigned his position as Senator on the 2nd of March, 1875, to accept the position of Representative in the Congress of the United States. He was nominated for Congress for his first term at Sulphur Springs, in 1874. In that convention he was opposed by Charles DeMorse. Sulphur Springs at that time was thirty miles from the nearest telegraph office, and Col. Jno. E. Thornton, then reporter for the Dallas and Galveston News, father of W. M. Thornton, reporter for the *News* here, rode post haste, by using relay of horses, from Sulphur Springs to Mineola to notify the world of the action of the convention.

He served as a member of Congress for gave you glimpses of such twenty-two years, and no district in the have sat for hours entrangulated States was ever more ably representation.

sented. I have the honor now to be a member of the Senate from that district, and I desire to thank the Senate for keeping the old Fourth intact. After he retired from Congress he was appointed codifier of the laws of the United States by the President and was serving in that distinguished position at the time of his death. You all know what great good he did the country as chairman of Judiciary Committee in Congress.

He was a great lawyer, one of the greatest. It is said that John Marshall took the Constitution of the United States when it was a skeleton, and by his judicial opinions, covering a period of thirty-five years upon the Supreme Bench, put flesh and blood upon that skeleton and breathed the breath of life into and made it a living government; and David B. Culberson understood the nature of that Constitution so framed and construed as few other men have ever known. He was a great criminal lawyer; a great civil lawyer; a great constitutional lawyer; a great lawyer in the fullest sense of the word. He took a strong position for the people while in Congress, and you all know what he did to reform the Federal judiciary.

He was a great orator. I would rather have heard him than any man I ever heard utter an English sentence in public address, and I have heard him upon most all of the questions which have disturbed the public mind during his

term of years in Congress.

Tall and erect, with gray eyes and jet black hair, like many of the great actors and orators of the world, he drove conviction home to his spell-bound listeners as few, indeed, could. In his speech he was not all tears, nor all laughter, for nothing dries sooner than tears and nothing is more monotonous than too much laughter, for if all the year were sporting holidays to work would be as tedious as to play; but he spoke as a great orator speaks, making you weep, think and laugh as the thought might arise. He could give you such sublime thoughts as Milton could give, or speak in the love notes of Tom Moore. Before a jury he thundered like Cicero in the Roman Forum or pleaded like Paul before Agrippa. He was not eloquent all the time, but clear, distinct and forceful in his speech. For he was, indeed, a very modest man and rather tried it seemed to subdue his eloquence, but he could not help it. There seemed to be little jewels hung here and there in his speech—little ripples of beauty. He did not paint full pictures like Angelo, but gave you glimpses of such pictures. I have sat for hours entranced by the

As a statesman he was great. He was a truly good man, and I might say here that no man can be truly great without being good. Goodness and greatness are synonomous terms when applied to men. His mind was not a great machine which registered that which came in contact with it, like some phonograph; but his was a mind broad, deep and comprehensive, which created great thoughts with ease and which dared to create and blaze the way into new fields. His father was a minister and no doubt instilled within the mind of the great statesman those moral maxims which made him great. He loved mankind, and how can a man be a statesman who does not love mankind? Many of the great men of America have been sons of ministers. He was modest, unassuming, unselfish and kind, and never lost an opportunity to help a young man along in the world.

In 1861, when the Legislature were in

the act of deposing Governor Houston, Abraham Lincoln sent a messenger to Houston saying, in effect, that if he (Houston) desired to keep Texas in the Union he would send him an armed soldiery with which to do so. Knowing the fame of this great man as a general, Lincoln knew how important his services would be as a general in the Union army. Colonel Culberson was called with others to advise with the Governor as to the matter, and in the discussion of the matter he advised Houston that such would never do as it would place the scenes of the war upon this side of the Mississippi and in Texas, whereas, if left alone, Texas would be practically unharmed by the cruel ravages of war.

Mr. President, I deem myself quite honored to be permitted upon this occasion to pronounce this encomium upon

this great man.